

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
SREAM, INC., a California Corporation

Plaintiff,

Case No. 16-cv-1408-NG-RML

*— against —*

SAAKSHI ENTERPRISE, INC. a/k/a PRONTO LOTTO;  
FINE GOURMET DELI CORP. a/k/a FINE GOURMET  
DELI; F&B ORGANI DELI GROCERY INC. a/k/a F&B  
ORGANIC DELI; and DOES 1-10 INCLUSIVE,

DECLARATION OF  
NIKUNJ PATEL

Defendants.

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am the President of Saakshi Enterprise, Inc. ("Saakshi"), a grocery, lotto and smoke shop in Elmhurst, Queens.
2. I submit this declaration to the Court and respectfully request that the Court deny Sream's motion for a default judgment against Saakshi.
3. I have reviewed the affidavit of service provided to me by my attorney. There are various errors in the affidavit of service:
  - a. According to the Affidavit of Service, the summons and complaint were served on Saakshi Enterprise Inc. a/k/a Pronto Lotto at 40-04 74<sup>th</sup> Street, New York, NY. This address is incorrect. The store is actually located in Elmhurst, Queens not New York, NY.
  - b. The affidavit of service states that Jignesh was the cashier. This is incorrect. Jignesh was not the cashier. He was the manager.
  - c. The affidavit of service states that Jignesh is a middle eastern male. This is incorrect. He is not from the middle east. He is from India.

- d. The affidavit of service states that Jignesh was the cashier of "Saakshi Enterprise Inc., Fine Gourmet Deli Corp. et al" This is incorrect. Saakshi Enterprise Inc. has no connection or relationship whatsoever to "Fine Gourmet Deli Corp." and other than in this lawsuit I have never heard of such an entity.
4. In early April 2016 I brought a Summons and Complaint in the above referenced case to my attorney Steven J. Moser.
5. Mr. Moser assured me that he would handle the case and would contact me if he needed anything further.
6. Between April 2016 and late February 2017 Saakshi did not receive any documents regarding the lawsuit.
7. In late February 2017 we received a document by mail. At first we thought it was a summons and complaint. It was actually Mr. Greener's motion for a default judgment.
8. We purchased some smoking supplies from a company known as OB Trading Group, Inc. in Hicksville, New York. Included in the purchase were RooR brand pipes.
9. We never intended to infringe on any trademark.
10. We never intended to default in this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 5, 2017

Nikunj Patel  
Nikunj Patel